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6 UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 EMILIO SOTOMAYOR-RODRIGUEZ,

10 Petitioner,

11 v.

12 ON HABEAS CORPUS,

13 Respondent.
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Case No. 1:17-cv-01721-JDP

FINDINGS AND RECOMMENDATIONS
TO GRANT RESPONDENT'S MOTION TO
DISMISS

ECF No. 6

OBJECTIONS, IF ANY, DUE IN 14 DAYS

ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE

16 Petitioner Mousa Emilio Sotomayor-Rodriguez filed a petition for a writ of habeas
17 corpus under 28 U.S.C. § 2241 while detained by the U.S. Bureau of Immigration and Customs
18 Enforcement ("ICE"). The court issued an order requiring respondent to file a response to the
19 petition. ECF No. 5.

20 Respondent has filed a response to that included a motion to dismiss the petition for
21 mootness. ECF No. 6. Respondents state that petitioner has been released on bond and is no
22 longer in detention. *See id.* at 1. In support of this contention, respondent has submitted a copy
23 of an ICE order of supervision, dated April 9, 2018. *See* ECF No. 6-1. Petitioner has not
24 responded to the motion to dismiss and case filings have been returned to the court as
25 undeliverable.

26 For these reasons:

- 27 1. The clerk of the court is directed to randomly assign a district judge to this case;
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- 1 2. Respondent directed to mail a copy of these findings and recommendations to
2 petitioner at his last known address; and
3 3. It is recommended that:
4 a. respondent's motion to dismiss, ECF No. 6, be granted;
5 b. the petition for writ of habeas corpus, ECF No. 1, be denied as moot; and
6 c. the clerk be directed to close this case.

7 These findings and recommendations will be submitted to the U.S. district judge
8 assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within fourteen
9 (14) days of service of these findings and recommendations, plaintiff may file written
10 objections with the court. If plaintiff files such objections, he should do so in a document
11 captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is
12 advised that failure to file objections within the specified time may result in the waiver of rights
13 on appeal. *See Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing *Baxter v.*
14 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

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16 IT IS SO ORDERED.

17 Dated: October 11, 2018

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20 UNITED STATES MAGISTRATE JUDGE
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